

**REAL ESTATE BOARD  
MINUTES  
SEPTEMBER 23, 2004**

**PRESENT:** Richard A. Kollmansberger, Peter Sveum, Maria E. Watts Rebecca J. Dysland (via telephone), and Lloyd Levin

**EXCUSED:** Richard Hinsman

**STAFF PRESENT:** Jerry Lowrie, Bureau Director of Business and Design, William Black, Legal Counsel, Pat Schenck, Program Assistant, and Division of Enforcement Staff

**GUESTS:** Lisabeth Weirich, Professional Broker

**CALL TO ORDER**

Richard Kollmansberger, Chair, called the meeting to order at 10:13 a.m. A quorum of five members was present.

**ADOPTION OF AGENDA**

**MOTION:** Lloyd Levin, moved, seconded by Peter Sveum, to adopt the Agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES JULY 22, 2004**

**MOTION:** Peter Sveum moved, seconded by Maria Watts, to approve the minutes of July 22, 2004 as written. Motion carried unanimously.

**PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT**

- i. Linda M. Heck, Watertown (03 REB 264)
- ii. Patricia K. Ramsey, St. Francis (03 REB 095)
- iii. Robert S. Slowik & Century 21 Northside Realty, LLC, Antigo (04 REB 002)
- iv. James B. Tait & Tait Realty, Inc., Minocqua (03 REB 273)
- v. Deanne K. Lane, Jefferson (03 REB 244)
- vi. Susan B. Williams, Tomahawk (02 REB 088)
- vii. Raymond Hart, Black River Falls (03 REB 159)
- viii. Debra A. Leciejewski-Noskoviak a.k.a. Debra A. Noskoviak Gillott, etc 02 REB 166 and 02 REB 173
- ix. Donald E. Knutson d/b/a REMAX Country Realty 04 REB 084

**ADMINISTRATIVE REPORT – JERRY LOWRIE – BUREAU DIRECTOR**

**Board Roster**

Maria Watts – Secretary

Screening Panel Members serve on a rotating basis.

October: Team 1 - Lloyd Levin and Rebecca Dysland

November: Team 2 - Peter Sveum and Maria Watts

December: Team 3 - Richard Kollmansberger and Peter Sveum  
in Lisabeth Weirich's Absence.

**2004 Board Meeting Dates**

Correct spelling on Lloyd Levin's last name by omitting the e on "2004 Meeting Date" memo under Screening Session Schedule.

The next meeting is December 2, 2004. Lisabeth Weirich will be unable to attend the December 2, 2004 Board meeting.

**2005 Board Meeting Dates**

Noted.

**SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES,  
ADMINISTRATIVE RULES AND LEGISLATION**

Noted.

**REVIEW DRAFT OF BROCHURE PROPOSED TO IMPROVE AGENCY  
DISCLOSURE**

Mr. Black reported that the brochure is currently on the Department's web site. The Board reviewed the brochure and suggested format and wording changes.

**ADMINISTRATIVE RULES**

**Update on Proposed Amendment of RL 17 re: Supervision**

Mr. Black reported that the RL 17 supervision rule will be ready for a public hearing at the December 2, 2004 Board meeting.

### **Order Adopting Emergency Rules re: Criminal Background Investigations of Applicants**

Mr. Black reported that the emergency rule is in response to federal public law which required authorization by state statute to continue the FBI's policy of honoring state requests for criminal background reports. The rule modifies the authority of the Department to conduct criminal background checks of applicants and requires rule-making by the Department to conduct investigations whether an applicant for or holder of any credential issued by the Department has been charged with or convicted of a crime.

The emergency rule preserves the ability of the Department to continue its practice of conducting criminal background investigations of applicants and credential holders and eliminates the ability of the Department to exempt peace officers from the fingerprinting requirement for credentialing as a private detective or private security person.

As part of an investigation, the Department may require a credential holder to be photographed and fingerprinted. The Department may refer photographs and fingerprints so obtained to the Department of Justice for internal analysis or submission of the fingerprint cards to the Federal Bureau of Investigation for the purpose of verifying the identity of the persons fingerprinted and obtaining records of their criminal arrests and convictions.

### **RECIPROCAL AGREEMENT REVIEW AND CONSULTATION**

#### **Indiana Reciprocity Non-Resident Licensing Agreement**

Mr. Black distributed the "Reciprocal Memorandum of Understanding between the State of Indiana Real Estate Commission and the State of Wisconsin Department of Regulation and Licensing" for the Boards review and consultation. Items discussed were the use of the word resident and use of the phrase good standing and defining what good standing means. The Board noted that other jurisdictions have more rules relating to non-resident licensees than Wisconsin.

#### **Illinois Reciprocity Non-Resident Licensing Agreement**

Mr. Black distributed the "Reciprocal Memorandum of Understanding between the State of Illinois Office of Banks and Real Estate and the State of Wisconsin Department of Regulation and Licensing" for the Boards review and consultation.

Rick Staff, WRA, and the Board expressed concerns on whether Illinois or Indiana licensees would be knowledgeable in completing Wisconsin forms. Requiring applicants to pass an examination may not be enough experience for applicants to complete Wisconsin's forms or to be familiar with agency laws. The Board suggested requiring additional hours of course work concentrating on Wisconsin contracts and agency law.

**MOTION:** Peter Sveum moved, seconded by Rebecca Dysland, to approve the reciprocity agreements with Illinois and Indiana with the addition that Wisconsin requires additional education on Wisconsin contracts and

agency law prior to writing the Wisconsin written real estate salesperson examination. Lloyd Levin abstained. Motion carried.

Secretary Donsia Strong Hill met with the Board and expressed her concerns over the Board's decision regarding the reciprocity issues with Illinois and Indiana.

The Board will discuss this further at the December 2, 2004 Board meeting.

### **PRACTICE QUESTIONS**

Mr. Black requested the Board's opinion on a question from Julie Woodhull regarding Realtor memberships. Ms. Woodhull would like to know if she could perform Broker Price Opinions (BPO) for Asset Management Companies online if she is not a member of NAR, WRA or the local association and not contracted with brokerage, or perform BPO's with just her Real Estate Salesperson license. She is not listing or selling any property.

Mr. Black stated that additional information would be required prior to the Board making a determination.

**MOTION:** Lloyd Levin moved, seconded by Rebecca Dysland, to defer responding to Julie Woodhull until the December 2, 2004 Board meeting. Motion carried unanimously.

The Board reviewed a letter from Joseph Huck, Huck Realty concerning limited representation broker's responsibilities. Mr. Black will respond to Mr. Huck.

The Board reviewed and discussed a letter received from Hellmuth & Johnson requesting an advisory opinion supporting the legitimacy of his client's business and the ability of brokers to pay amounts assigned by the real estate agents to his client.

**MOTION:** Lloyd Levin moved, seconded by Peter Sveum, to request Mr. Black to respond to Hellmuth & Johnson stating that Wisconsin does not have jurisdiction to make an opinion in this matter. Motion carried unanimously.

### **REPORT OF THE COUNCIL ON REAL ESTATE CURRICULUM AND EXAMINATIONS**

#### **Draft Minutes of July 22, 2004 Council Meeting**

Mr. Levin reported on issues discussed at the Council on Real Estate Curriculum and Examination meeting on July 22, 2004. The Council discussed approving content guidelines for the testout exam, course guidelines for schools, approving the topics of courses for the continuing education curriculum and testout development and access to the WRA newsletters online. The Council approved the following courses:

1. Course 1 – Three Hours: Issues relating to the use of approved forms, contract law, and real estate practice agency agreements.
2. Course II – Three hours: Issues relating to use of approved forms, contract law and real estate practice-conveyance documents.
3. Course III – Three Hours: New Developments – Legislative Developments, DRL Developments, New Industry Business Models – Regulatory and Practice Issues, Case Law Update, added 04.06 Condominium Law, and moved Referral Fee Issues Legal Update 04.05 to Course IV.
4. Course IV – Three Hours: Residential Course 4A – Issues related to interaction with other real estate service providers: Attorneys, Title Companies, Mortgage originators, Home Inspectors, Appraisers with the addition of Referral Fee Issues Legal Update 04.05 and included Selling Real Estate at Auction as an elective alternative.

The outline must touch on all items expressed in bold in the 2005-2006 curriculum. The presenter may choose to more comprehensively address one or more topics and without treatment of certain others provided that all bold items have a cross reference to an alternative source of information about the topic not covered in the presentation.

A date is being arranged for Ron Hanson and Rick Staff to work with Darwin Tichenor to identify items to be included on the testout examination.

**MOTION:** Peter Sveum moved, seconded by Maria Watts, to approve the minutes of the Council on Real Estate Curriculum and Examinations meeting on July 22, 2004 as written. Motion carried unanimously.

### **CLOSED SESSION**

**MOTION:** Peter Sveum moved, seconded by Maria Wats, to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; to consider licensure or discipline (s. 19.85(1) (b), Stats.; to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.; and, to confer with legal counsel (s. 19.85(1) (g), Stats. to consider case closings, monitoring reports, deliberation on cases proposed to be closed by administrative warning. Motion carried by roll call vote. Richard A. Kollmansberger-yes, Rebecca Dysland-yes, Lloyd Levin-yes; Peter Sveum-yes, - Maria Watts - yes.

Open session recessed at 11:22 a.m.

### **RECONVENE TO OPEN SESSION**

**MOTION:** Peter Sveum moved, seconded by Lloyd Levin, to reconvene into Open Session at 12:09 p.m. Motion carried unanimously.

### **VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

## MONITORING REPORT

None.

### CASE CLOSINGS

**MOTION:** Lloyd Levin moved, seconded by Peter Sveum, to close the following cases: Motion carried unanimously.  
**01 REB 189** close for insufficient evidence.  
**02 REB 291** close for no violation.  
**03 REB 190** close for prosecutorial discretion (P2).  
**02 REB 161** close for no violation.  
**02 REB 293** close for prosecutorial discretion (P3).  
**04 REB 015** close for no violation.  
**02 REB 227** close for no violation.

### ADMINISTRATIVE WARNINGS

#### **02 REB 177 STANLEY GORDON**

**MOTION:** Lloyd Levin moved, seconded by Peter Sveum, to accept the administrative warning as written for case **02 REB 177 Stanley Gordon**. Motion carried unanimously.

#### **03 REB 278 RE/MAX KENOSHA, INC**

**MOTION:** Peter Sveum moved, seconded by Lloyd Levin, to reject the administrative warning as written for case **03 REB 278 RE/MAX Kenosha, Inc.** Motion carried unanimously.

### STIPULATIONS

#### **LINDA M. HECK, WATERTOWN 03 REB 264**

**MOTION:** Lloyd Levin moved, seconded by Peter Sveum, to adopt the Stipulation, Findings of Fact, Conclusions of Law, and Order in the matter concerning **Linda M. Heck, Watertown 03 REB 264**. Motion carried unanimously.

#### **PATRICIA K. RAMSEY, ST. FRANCIS 03 REB 095**

**MOTION:** Lloyd Levin moved, seconded by Peter Sveum, to adopt the Stipulation, Findings of Fact, Conclusions of Law, and Order in the matter concerning **Patricia K. Ramsey, St. Francis 03 REB 095**. Motion carried unanimously.

**ROBERT S. SLOWIK & CENTURY 21 NORTHSIDE REALTY, LLC, ANTIGO 04 REB 002**

**MOTION:** Lloyd Levin moved, seconded by Peter Sveum, to adopt the Stipulation, Findings of Fact, Conclusions of Law, and Order in the matter concerning **Robert S. Slowik & Century 21 Northside Realty, LLC, Antigo 04 REB 002**. Motion carried unanimously.

**JAMES B. TAIT & TAIT REALTY, INC., MINOQUA 03 REB 273**

**MOTION:** Lloyd Levin moved, seconded by Peter Sveum, to adopt the Stipulation, Findings of Fact, Conclusions of Law, and Order in the matter concerning **James B. Tait & Tait Realty, Inc., Minocqua 03 REB 273**. Motion carried unanimously.

**DEANNE K. LANE, JEFFERSON 03 REB 244**

**MOTION:** Lloyd Levin moved, seconded by Peter Sveum, to adopt the Stipulation, Findings of Fact, Conclusions of Law, and Order in the matter concerning **Deanne K. Lane, Jefferson 03 REB 244**. Motion carried unanimously.

**SUSAN B. WILLIAMS, TOMAHAWK 02 REB 088**

**MOTION:** Lloyd Levin moved, seconded by Peter Sveum, to adopt the Stipulation, Findings of Fact, Conclusions of Law, and Order in the matter concerning **Susan B. Williams, Tomahawk 02 REB 088**. Motion carried unanimously.

**RAYMOND HART, BLACK RIVER FALLS 03 REB 159**

**MOTION:** Lloyd Levin moved, seconded by Peter Sveum, to adopt the Stipulation, Findings of Fact, Conclusions of Law, and Order in the matter concerning **Raymond Hart, Black River Falls 03 REB 159**. Motion carried unanimously.

**DEBRA A, LECIEJEWSKI-NOSKOVIAK A.K.A. DEBRA A. NOSKOVIAK GILLOTT, DEBI A. GILLOTT, DEBI NOSKOVIAK, DEBRA ANN NOSKOVIAK, AND DEBIE A. LECIEJEWSKI, AND STRUTHERS REALTY LLC. 02 REB 166 AND 02 REB 173**

**MOTION:** Lloyd Levin moved, seconded by Peter Sveum, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Debra A, Leciejewski-Noskoviak A.K.A. Debra A. Noskoviak Gillott, Debi A. Gillott, Debi Noskoviak, Debra Ann Noskoviak, And Debie A. Leciejewski, and Struthers Realty LLC. 02 REB 166 and 02 REB 173**. Motion carried unanimously.

**DONALD E. KNUTSON D/B/A REMAX COUNTRY REALTY 04 REB 084**

**MOTION:** Lloyd Levin moved, seconded by Peter Sveum, to adopt the Stipulation, Findings of Fact, Conclusions of Law, and Order in the matter concerning **James B. Tait & Tait Realty, Inc., Minocqua 03 REB 273.**  
Motion carried unanimously.

**SUCH OTHER ITEMS AS AUTHORIZED BY LAW**

None.

**ADJOURNMENT**

**MOTION:** Peter Sveum moved, seconded by Lloyd Levin, to adjourn the meeting at 12:45 p.m. Motion carried unanimously.

**Suggested Agenda Items for Next Meeting: December 2, 2004**

- Hearing RL 17 – Supervision Rule.
- Increase fines for credential holders when they do not change their address with the Department.
- Reciprocal agreements.
- 15-20 minute training session prior to the Board meeting for new case advisors on appropriate discipline.
- Julie Woodhull – Broker Price Opinions Question.